

REMARKS

Claims 39, 50, 62, 64 and 69-73 are amended herein. Claims 63 and 68 are canceled herein. Claims 39-43, 46-62, 64-67 and 69-84 are pending. The Commissioner is authorized to charge the Applicants' account, Deposit Account No. 05-1328, for any fees required by the addition of the new claims or this response, including a three-month extension of time to respond to the Office Action.

The following remarks are offered in response to the Official Action dated April 16, 2004. Reconsideration and reexamination of this application is respectfully requested. Claim 39 is amended partly to further clarify that at least one of the frame members is continuous and extends the vertical length of the at least one buoyancy element and partly to reintroduce the connector element into the base claim as was the case for the application's original Claim 1. The support for amended Claim 39 can be found in original Claim 1, and Figures 4, 5a, 5b, 6 and 7. Claim 62 is amended to incorporate a portion of former Claim 63 and to reintroduce the connector element into the base claim as was the case for the application's original Claim 1. Claim 64 is amended to change dependency from canceled Claim 63 to Claim 62. Claims 69-73 are amended to change dependency and for agreement with amended claim 62.

In the Office Action, the Examiner made the following rejections:

Claims 39-42, 46-50, 57 and 62 were rejected under 35 U.S.C §102(b) as being anticipated by U.S. 5,758,990 to Davies et al. ("Davies");

Claims 62-64 were rejected under 35 U.S.C §102(b) as being anticipated by U.S. 6,448,447 to Nish et al. ("Nish I");

Claims 39-43, 46-48, 50-52, 54, 56, 57-59, 62-68, 70, and 72-81 were rejected under 35 U.S.C §102(b) as being anticipated by U.S. 6,632,112 to Nish et al. ("Nish II");

Claim 49 was rejected under 35 U.S.C §103 as being obvious over Davies in view of U.S. 4,477,207 to Johnson ("Johnson");

Claim 49 was rejected under 35 U.S.C §103 as being obvious over Nish II in view of Johnson;

Claims 60-61 and 82-84 were rejected under 35 U.S.C §103 as being obvious over Nish

II in view of U.S. 4,422,801 to Hale et al. ("Hale").

Additionally, Claims 53, 55, 69 and 71 were indicated as containing allowable subject matter but were objected to because they depend from rejected base claims. The Applicants gratefully acknowledge the allowable subject matter.

During a personal interview conducted April 13, 2004, the Applicants, represented by attorney Douglas J. Collins and inventors R. Brad Campbell and Paul Berner, and Examiner Lee discussed the rejections contained in the Office Action, dated November 18, 2003, and the Davies reference. The Applicants stated that previously presented Claim 39 is not taught or suggested by Davies as Davies does not teach or suggest a buoyancy apparatus which includes a frame including a plurality of vertical members externally disposed to a buoyancy element where at least one of the plurality of vertical members extends the vertical length of the buoyancy element.

Moreover, Applicant's stated that Davies indicates that its frame or yoke (13) must be shorter in length than its parallel air cans (16) because Davies makes provision for guide frames (54), which are spaced along the length of the offshore structure and contain guide sleeves (56) which slidably receive the air cans (16). Davies states:

Since the variable buoyancy air cans (16) may be of a substantial length, one hundred feet or more, ***one or more guide frames (54)***, seen in FIG. 6, ***may be provided and spaced apart at suitable distances along the length of the offshore structure***. The guide frame (54) is provided with ***suitably sized guide sleeves (56) to slidably receive the stem (12) and air cans (16)***.

See col. 3, ln. 36-42. Notice that the guide sleeves (56) receive the air cans (16) alone and do not receive the sleeves (14) of Davies frame or yoke (13), which would have to be the case if Davies frame or yoke sleeves (14) extended the length of the air cans. Therefore, Davies fails to teach or suggest a frame member/sleeve that extends the length of a buoyancy element and actually teaches away from such an arrangement by including provisions for guide frames that contain the air cans, that are spaced along the length of the riser and that do not overlap with the yoke/frame.

The Examiner however maintained that the Applicants' Claim 39 is anticipated by Davies because Davies discloses a guide frame (54) which is spaced along the length of the buoyancy cans even though the guide frame is not continuous and is spaced apart along the length of the buoyancy cans of Davies. Applicants submit that Davies fails to teach or suggest, either in the

text or the figures, a frame member that extends the length of any buoyancy element. Agreement was not reached during the interview.

While the Applicants believe that the previous version of Claim 39 is not taught or suggested by Davies, Applicants offer further clarification to Claim 39 in an effort to reach agreement with the Examiner. As amended, Claim 39 states that at least one of the plurality of vertical members is continuous and extends the vertical length of the at least one buoyancy element. As Applicants understand the Examiner's statements during the April 13, 2004 interview and in the current Office Action, the Examiner is relying on the admittedly intermittent and spaced guide sleeves of Davies as teaching Applicants previous Claim 39. For example, in the current Office Action, the Examiner states that "Davies et al. teaches the vertical members of the yoke and guide frames... extending to the vertical length of the buoyancy elements with being spaced apart as mentioned in col. 3, lines 35-42." *See* Page 7, third paragraph of the April 16, 2004 Office Action. Additionally, the Examiner makes a similar statement in the April 16, 2004 Interview Summary in the Continuation Sheet. Davies therefore can not be asserted as teaching both an intermittent, spaced member and a continuous member that extends the vertical length of the at least one buoyancy element. Applicants respectfully assert that the current version of Claim 39 is clearly not taught or suggested by Davies.

With regard to amended independent Claim 62, Davies was not cited against prior Claim 63 and is believed allowable as amended herein.

With regard to Nish I, The Examiner states in the Office Action that Nish I "discloses a buoyancy system... comprising... a continuous external frame (112) around the plurality of buoyancy elements (58)... the external frame secured to the riser (46)..." Applicants respectfully disagree. The grid structure (112) of Nish I is neither a continuous external frame nor is the grid structure secured to the riser. The grid structure of Nish I is part of the hull (26), not part of the buoyancy module, and functions to separate the multiple risers (46) and buoyancy modules (58) contained in the hull. There is no disclosure in Nish which indicates the length of the grid structure and it is therefor unclear if it is continuous, disposed at one discrete location along the length of the hull, or intermittently disposed at discrete locations along the length of the hull. Moreover, Nish provides no disclosure that the grid structure is secured to the riser and it is apparent that the grid structure is not secured to the riser. Figure 3 of Nish I shows that the grid structure (112) appears to be secured to the inner circumference of the hull (not labeled in Fig. 3)

by four radial arms (not labeled) which appear to connect to the four corners of the square grid structure (112). Additionally, with reference to Figure 4 Nish I states that the "buoyancy system (10) is coupled to the thrust plate (54) such that the buoyancy system (10) supports the plate (54), and the risers (46)...". *See* col. 4, ln. 42-44. Further, Nish I states that "the elongated vessel (62) is... coupled to one or more risers (46) via the thrust plate (54)." *See* col. 4, ln. 64-66. The elongated vessel is the shell of the buoyancy module used to contain air, not any part of the grid structure, and thus is more analogous to a buoyancy can shell. Thus, it is clear that the grid structure of Nish I is a means of dividing the hull's moonpool into compartments which contain the risers and buoyancy elements. The grid structure is connected to the hull as depicted in Figure 3 and it is the buoyancy vessels that are connected to the riser, not the grid structure. Nish I is therefore insufficient to teach Applicants Claim 62.

With regard to Nish II, Applicants submit herewith a Declaration of Prior Invention under 37 C.F.R. §131 to remove Nish II as prior art to the current application. Applicants submit two declarations due to one of the inventors not being currently located in the United States. Applicants attempted to obtain all inventor signatures on one declaration but counsel for Applicants had not received the version signed by all inventors as of the date of filing this response. The two declarations are in substance identical. Counsel for Applicants ask that the Examiner indicate on a future office action if one version of the declaration signed by all inventors is required.

None of the other references cited in the Office Action were cited as making any of the existing independent claims unpatentable, but only as making some of the application's dependent claims obvious. Therefore the Applicants do not believe it necessary to address the rejections to any of the dependent claims based on any references other than Davies, Nish I and Nish II after establishing the patentability of independent Claims 39 and 62 over such references.

Therefore the Applicants' invention as claimed in Claims 39, 62 and the claims that depend therefrom is patentable in view of Davies, Nish I and Nish II and the other references cited in the Office Action.

In the Office Action the Examiner states that in considering the patentability of the claims under 35 U.S.C. 103(a), the Examiner has presumed that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Out of an abundance of caution the Applicants wish for the Examiner to treat all

the claims of the application as not commonly owned for the purposes of examination, including for the purpose of considering potential prior art under 35 U.S.C. 102(f) or (g).

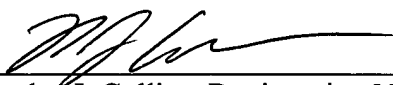
In the Response to Arguments section of the Office Action, the Examiner states that with regard to Claim 62, it is understood that the plurality of buoyancy elements are in side-by-side structural relationship within the continuous external frame. To the extent the Examiner means that the buoyancy elements are required to be laterally disposed to one another, Applicants state that the buoyancy elements are not required to be in a side-by-side relationship. For example, paragraph [0025] of the current application refers to attaching multiple buoyancy elements in series to a riser or riser stem pipe.

The application is believed to be in condition for allowance. Applicants believe that the prior art does not teach or suggest, either alone or in combination, all the elements of independent Claims 39 and 62. The dependent claims are also believed patentable since they depend on independent Claims 39 and 62. Applicants therefore respectfully request that this application be allowed and passed to issue.

If the Examiner wishes to discuss this application with counsel, please contact the undersigned.

Respectfully submitted,

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